

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FREDIE E. BENSON, an individual; and  
MARIA T. BENSON, an individual;

Plaintiffs,

vs.

ANDREW L. FRIESEN, BRANDON  
STRADLEY, BINGER TRUCKING INC.,  
CONSOLIDATED CONCRETE  
COMPANY, WERNER  
CONSTRUCTION, and SEALCOAT  
SERVICES, INC.,

Defendants.

**4:20CV3121**

**ORDER**

After conferring with counsel,

IT IS ORDERED that the motion to continue filed by Defendant Werner, (Filing No. 79) is granted as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is April 4, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by April 18, 2022.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 2) The deadlines for complete expert disclosures<sup>1</sup> for all experts

---

<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): June 3, 2022.

For the defendant(s): July 5, 2022.

Plaintiff(s)' rebuttal: July 19, 2022.

- 3) The deposition deadline, deadline for filing motions to dismiss and motions for summary judgment, and deadline for filing motions to exclude testimony on *Daubert* and related grounds are stayed pending further order of the court.
- 4) The parties shall promptly schedule alternative dispute resolution to take place during the month of August 2022.
- 5) The telephonic status conference previously set to be held on July 13, 2022 at 10:00 a.m. is continued to September 6, 2022 at 10:00 a.m. At this conference, the court will set any remaining case progression deadlines and the trial and pretrial conference dates. This conference will be cancelled upon advance notice that the case is settled. Counsel shall use the conferencing information assigned to this case to participate in the call.
- 6) All other deadlines within the court's prior progression order remain in effect.

Dated this 25th day of January, 2022.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge